

IFW
(DAE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Murray et al.

Serial No.: 10/827,044

Filed: April 19, 2004

For: Variable-Eccentricity Tactile Generator

Attorney's Docket No: 2002-055



Patent Pending

Group Art Unit: 2635

Confirmation No.: 2743

Raleigh, North Carolina
August 17, 2004

Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Kathleen Koppen

A handwritten signature in black ink that appears to read "Kathleen Koppen".

PETITION TO AMEND AN INCORRECT FILING DATE

Sir:

In reply to the Office's refusal to correct Applicants' filing receipt dated August 6, 2004, Applicants respectfully petition the Commissioner to correct the filing date of the above-referenced application from April 17, 2004 to April 19, 2004.

Applicants properly filed the above-mentioned application on April 19, 2004. As proof, Applicants submit copies of the Express Mail Certificate EV 368752046 US, as well as the receipt showing the cost of the Express Mail Certificate received at the time of mailing. Both documents clearly show that the actual mailing occurred on April 19, 2004. However, it also appears that the United States Postal Service inadvertently entered an incorrect or unintelligible date for the "Date In" field of the certificate. Specifically, the date in the "Date In" field appears to reflect "April 17, 2004." This date is incorrect and should

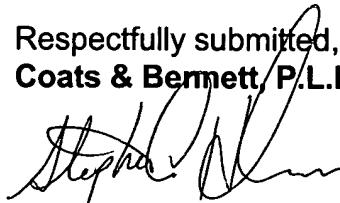
not be used to reflect the filing date of the above-mentioned application. The actual filing date for the present application should be April 19, 2004.

Applicants believe that no fees should be charged for the cost of filing this Petition. The discrepancy is not the fault of the Applicants, but rather, is attributable to the Postal Service. Further, the Express Mail Certificate clearly reflects the "April 19, 2004" date in an official stamp adjacent the "Date In" field, and is clearly marked for next day delivery and the legibility of the "Date In" field is at best questionable. Given the clear discrepancy on the Express Mailing Certificate itself, the Office should have questioned the date in "Date In" field. Finally, Applicants note their continuing duty of candor to the Patent Office. As such, Applicants are required to bring this discrepancy to the attention of the Office, even though the Applicants are not at fault. To charge Applicants fees in this case is unfair.

Therefore, Applicants request that the filing date be changed, but respectfully submit that no fees for this request should be charged. However, if the Office believes otherwise, the Commissioner is authorized to charge Deposit Account 18-1167 for any fee associated with this Petition.

Respectfully submitted,
Coats & Bennett, P.L.L.C.

By:



Stephen A. Herrera
Registration No. 47,642

Telephone: (919) 854-1844
Fax: (919) 854-2084



EV 368752046 US



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<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee	
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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <i>B2 E</i>	Total Postage & Fees \$

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Mo. Day	Time	<i>61</i>
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		Variable-Eccentricity Tactile Generator patent matter				
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